



## TOWN OF BEAUX ARTS VILLAGE

### TOWN COUNCIL MINUTES

April 13, 2010  
Leider

Mayor Leider called the meeting to order at 7:00 pm.

**PRESENT:** Mayor Richard Leider, Councilmembers Steve Eulau, Mike Hillberg, Matt Leber, and Tom Stowe.

**EXCUSED:** Councilmember Aaron Sharp.

**STAFF:** Clerk-Treasurer Sue Ann Spens.

**GUESTS:** Susan Kennedy, Ann-Mari Simonsen, Donna Stowe, Helen Lewis, Rob Carlson, Warren Klink, and Linda Mui.

**MINUTES:** Councilmember Eulau moved to approve the March 9, 2010 minutes as amended. Councilmember Hillberg seconded.

Vote: 4 For, 0 Against, 0 Abstain. Motion carried.

Councilmember Stowe asked that the minutes be distributed by email earlier in the month rather than waiting until the Council packets are distributed so that Councilmembers will have more time to review them while meeting details are still fresh in mind. Clerk-Treasurer Spens will distribute the minutes when available.

**WARRANTS:** Councilmember Eulau moved to approve the April 13, 2010 warrants, numbers 8325 through 8348 in the amount of \$13,658.85. Councilmember Hillberg seconded. Vote: 4 For, 0 Against, 0 Abstain. Motion carried.

#### **CLERK'S REPORT:**

**KING CONSERVATION DISTRICT (KCD) FUNDING:** Clerk-Treasurer Spens explained that the KCD collects money from each property owner as part of their property taxes, and a portion of the collected funds are made available to the Town for use on projects that conserve soils, protect and enhance water quality, and protect wildlife habitat and open spaces. She added that the Town currently has almost \$1400 available now and will have almost \$1600 available by year end. She noted that the funding is supposed to accumulate until the Town uses it, but she has learned that KCD is looking for ways to reduce the carryover funds. How they plan to do that is unclear, but it may be wise for the Council to make use of the available funding this year so that it is not lost. Some possible projects include improvements to the 108<sup>th</sup> Ave SE ROW and the project to repair the stormwater outfall at 102<sup>nd</sup> Ave SE.

**SECURITY CAMERAS:** Clerk-Treasurer Spens reported that she was able to connect with State Auditor Beth Mauch, the supervising auditor on our last audit, and ask about using Criminal Justice funds to pay for security cameras. She explained that Ms. Mauch stated that the statutory language governing the use of these funds is vague, so that State Auditor's Office (SAO) is interpreting the eligible uses for these funds broadly. This means that in the current

audit climate, the Town can use Criminal Justice funds for this project. Ms. Mauch would not say for certain that the expense would be allowed under a future audit, only that if she were auditing our books, she would allow the expenditure. Clerk-Treasurer Spens noted that Ms. Mauch will not provide a written opinion to this effect; however, if the Town documents this opinion along with the expenditures, it is unlikely that the use of the funds will prove problematic.

Mayor Leider asked the Council how they wish approach this topic, assuming Criminal Justice funds can be used to purchase the needed equipment. It was the consensus of the Council public involvement in the process of deciding whether to install cameras is paramount and that the topic is likely to generate a lot of discussion. Councilmember also pointed out that getting public involvement and feedback can be challenging for many reasons, so lots of advertising about the Council's upcoming discussions is important.

Mayor Leider will ask Town Marshal Walter Scott to put together a more detailed proposal and to be prepared to discuss it at the May meeting.

**CELL PHONE AND WIRELESS SERVICE TOWERS:** Clerk-Treasurer Spens reported on additional information about lease revenues, siting rules, and the other related experiences of nearby towns with cell-tower and wireless-antenna installations. After some discussion, it was the consensus of the Council to let the Planning Commission continue their study of these types of facilities and to table further Council discussions until the need arises for the Council to take action.

**EMAIL ACCOUNTS:** Clerk-Treasurer Spens reported that she is working to establish email accounts for the mayor and councilmembers through our current service provider at a cost of \$20 per account per year. She added that she will use a naming convention based on the person's first initial and last name with the Town's domain beauxarts-wa.gov. In addition, she will arrange for two generic boxes: mayor @beauxarts-wa.gov and council @beauxarts-gov. The mayor box will forward to Mayor Leider's email account, and the council box will forward to all five Councilmember accounts.

**HEARING EXAMINER:** Clerk-Treasurer Spens reported on the findings of her informal review of the costs of using a Hearing Examiner to decide variances instead of the Board of Adjustment. She stated that based on this review she estimates that additional cost to applicants for a simple variance will be about \$500, bringing the total cost of a simple variance to a minimum of \$1,000. She added that Deputy Clerk Kulp contacted two nearby locations as possible meeting sites: Enatai Elementary School and Bellevue Christian Church. Both locations have meeting space available at an affordable price.

Councilmember Stowe mentioned that this board has had a vacancy for more than six months and that at least two of the four remaining members have expressed an interest the Council's consideration of the change to a Hearing Examiner. After a brief discussion, it was the consensus of the Council to hear public input about making the change before proceeding.

**MARSHAL'S REPORT:** No report.

**WATER REPORT:** Water Supervisor Bob Durr reported that he is working on the Town's annual water-conservation report to the Washington Department of Health. As part of that report, a 2009 water-efficiency rule requires that the Town set an annual goal for reducing the Town's consumption of water and that the Council must hear public input on the goal prior to adopting it. He will develop a proposed goal for the Council's review and asked that the May agenda include an item for discussion of and action on the goal.

**WABA REPORT:** Councilmember Hillberg reported that he attended the WABA meeting and that the primary topic of discussion was the condition of the docks and WABA's plans for repairing them.

**108<sup>th</sup> COMMITTEE REPORT:** In Councilmember Sharp's absence, Councilmember Stowe handled this report. He began by asking Susan Kennedy to share the results of the Open House held at her home last yesterday.

Ms. Kennedy reported that turnout for the open house was strong with 38 signing the guest list. Attendees viewed the committee's Vision Summary and a visual display of drawings and photos depicting ideas for improving the 108<sup>th</sup> right of way. The committee received 30 comment cards, which generally support the Committee's suggested improvements, though some mentioned concerns about ongoing maintenance and drainage.

Councilmember Stowe noted that the Town had received a petition signed by more than 50 of our neighbors in Enatai recommending a shared pedestrian bicycle multi-use walkway along the east side of 108th Ave. SE., the use of sharrows, retention of trees and vegetation, retention of on street parking, and the addition of traffic calming devices. This petition was sent to both the Mayors of Bellevue and Beaux Arts Village.

Councilmember Stowe commented that the Town's due diligence in proceeding with the project must include the assurance that any proposed work is consistent with the Town's Comprehensive Plan.

Next steps for the Council include:

- Mayor Leider will write to Steve Costa to transmit the Committee's vision statement and recommendations with a synopsis of the committee's work and the public support of that work.
- The Council will continue its review of the vision statement and determine whether the document needs any revisions, when and how to implement the recommendations, and what tasks remain for the committee to accomplish.

**2010 YEAR-TO-DATE ACTUALS VS. BUDGET:** Councilmember Leber commented that because he is new to the position, he would like to continue his review before making a formal report.

Mayor Leider added as a side note that the question occasionally arises as to whether to breakdown the annual budget, which is mandated, to providing monthly or quarterly detail instead. He noted that, in answering that question, the Council should consider whether the added work needed to prepare a quarterly budget produces an equal or greater benefit in terms

of monitoring and controlling expenses. He commented that when he monitored the budget, he looked at “Where will we be at the end of the year?” to develop a quarterly update by line item. He noted that this quarterly update should highlight anything that would impact where we think that the annual budget will be at year end so that the Council is alerted to potential budget overruns and can determine if and when action is needed.

After some discussion about how the Council can make use of the quarterly reports relative to their areas of responsibility, it was the consensus of the Council to let Councilmember Leber take the lead in working with individual Councilmembers regarding line items in their areas of responsibility and in determining whether there are budget issues needing Council action

It was also the consensus of the Council that adding an Estimated Actual column to the budget-review sheets, particularly when there are known line-item variances from the budget, will further assist Councilmember Leber and the Council in this review. Clerk-Treasurer Spens will add this information to the budget-review sheets before the 2Q2010 review.

**PROPOSED RESOLUTION NO. 259 ARCH INTERLOCAL AGREEMENT:** Clerk-Treasurer Spens reminded the Council that a decision on this resolution was tabled until the Town Attorney could approve the agreement for signature, which he now has.

**MOTION:** Councilmember Eulau moved to adopt Resolution No. 259 approving the Amended and Restated Interlocal Agreement for ARCH and authorizing the Mayor to execute the agreement. Councilmember Hillberg seconded.

Vote: 4 For, 0 Against, 0 Abstain. Motion carried.

**ANIMAL CONTROL:** Clerk-Treasurer Spens reminded the Council that King County plans to terminate their animal-control services contracts effective June 30, 2010 for cost reasons and that a consortium of cities have been working to develop a new cost-allocation model that ensures the County’s costs are covered. She explained that the County wants the Town to indicate its interest (or lack thereof) in the possibility of contracting with King County for animal-control services under the new cost-allocation model. She added that the letter of interest does not obligate us to sign the contract once it is ready.

Mayor Leider commented that the crux of the question is whether the Town wants to continue to work with King County or develop our own animal-control-services agency.

**MOTION:** Councilmember Hillberg moved to authorize the Mayor to sign the Letter of Interest with King County regarding animal-control services. Councilmember Eulau seconded.

Vote: 4 For, 0 Against, 0 Abstain. Motion carried.

**PROPOSED PARKING ORDINANCE NO. 374:** Before beginning discussion, Clerk-Treasurer Spens distributed a letter from Bob Welsh describing a problem with larger vehicles parking on the ROW near his home in such a manner as to leave insufficient space for other vehicles to pass. The Council discussed the possibility of either prohibiting parking in this area or improving enforcement of the rule that prohibits parking on the paved roadway leaving less than 10 feet of clearance. It was the consensus of the Council that both the current

ordinance and the proposed ordinance adequately address this situation.

**MOTION:** Councilmember Hillberg moved to pass Ordinance No. 374. Councilmember Stowe seconded.

On discussion, the Council reviewed the ordinance line by line and made minor adjustments to the ordinance as presented. Their review included concerns about defining “temporary parking”, whether to limit guest parking and temporary parking by residents, and how to control both. One question was whether the Town can tow vehicles without notice; however, to do so would require the Town to post a large sign stating who would do the towing, where the vehicle would be towed, and how to contact the towing company. It was the consensus of the Council to leave the proposed language as written.

Councilmember Hillberg raised a question about how a specific resident must park on an unpaved ROW because of the design of their garage on their property which is in violation of Section 2.1.4 of the proposed ordinance. After some discussion, it was determined that the property owner in question can request an exception as set forth in Section 3. of the ordinance.

Vote: 4 For, 0 Against, 0 Abstain. Motion carried.

#### **MAYOR AND COUNCILMEMBER REPORTS:**

**SHORELINE MANAGEMENT PROGRAM UPDATE:** Mayor Leider reported that he recently reviewed draft documents related to the update of the Town’s Shoreline Management Program that is underway and found some items that concern him. He has discussed his concerns with Town Planner Mona Green who will come to the May Council meeting to make a brief presentation about work to date on the project. He would like the Council to remain active in monitoring the ongoing work on this project so that the end result truly reflects the Town, its citizens, and their values. He added that going forward he will review all submittals before Town Planner Green sends them to the Department of Ecology.

Councilmember Stowe commented that the Planning Commission and WABA are holding a joint session to hear public input on ideas for improvements to the beach property.

**STRATEGIC PLANNING SESSION:** Mayor Leider asked councilmembers to determine when they would be available on weekends and weeknights over the next 3 or 4 months. It was suggested that weeknights are another possibility.

**WHATMORE:** Mayor Leider reported that he and Councilmember Stowe recently met with Town Attorney Stewart about this issue, who indicates that the Town has no obligation to provide access to the Bellevue property, though it appears that Bellevue believes such access is the simplest solution.

**FRANCHISES:** Councilmember Stowe reported that he has begun his review of the Town’s franchises starting with Puget Sound Energy, Bellevue Sewer Utility, and Allied Waste.

**TOWN CLEAN-UP:** Councilmember Hillberg reported that the Town Clean-Up will be May 8<sup>th</sup>.

**COMPREHENSIVE EMERGENCY MANAGEMENT PLAN:** Councilmember Eulau reported that, due to a computer problem at the state, the CEMP we submitted last fall was lost. We have resubmitted the plan for review and hope for a reply in the near future.

**NEXT MEETING:** Clerk-Treasurer Spens reminded the Council that the next Council meeting will be held at 7:00pm on Tuesday May 11, 2010 at Aaron Sharp's house.

**ADJOURN:** Councilmember Hillberg moved to adjourn the meeting at 9:50 pm. Councilmember Stowe seconded.

Vote: 4 For, 0 Against, 0 Abstain. Motion carried.

Respectfully submitted,

Sue Ann Spens  
Clerk-Treasurer